

IC 5-10-15

Chapter 15. Emergency and Public Safety Employee Disability From Certain Cancers or Heart or Lung Disease Presumed Incurred in the Line of Duty

IC 5-10-15-1

Application of chapter

Sec. 1. This chapter does not apply to an individual who, at any time during the individual's employment by the state or a political subdivision of the state as:

- (1) a member of a fire department (as defined in IC 36-8-1-8);
- (2) an emergency medical services provider (as defined in IC 16-41-10-1); or
- (3) a member of a police department (as defined in IC 36-8-1-9);

uses tobacco products in any form in the last five (5) years.

As added by P.L.62-2006, SEC.1.

IC 5-10-15-2

"At risk for occupational exposure"

Sec. 2. As used in this chapter, "at risk for occupational exposure" means that an individual incurs risk in performing the basic duties of the individual's employment, including:

- (1) providing emergency medical treatment in a nonhealth care setting where there is a potential for contact with;
- (2) working at the scene of an accident, a fire, or another rescue or public safety operation, or working in an emergency rescue vehicle or a public safety vehicle, during which the individual has contact with;
- (3) engaging in the pursuit, apprehension, and arrest of law violators, during which the individual may be exposed to; or
- (4) maintaining custody and physical restraint of prisoners or inmates of a prison, a jail, or another criminal detention facility during which the individual may be exposed to;

a known carcinogen, or a substance or condition that adversely affects an individual's cardiovascular, neurological, or respiratory system.

As added by P.L.62-2006, SEC.1. Amended by P.L.59-2009, SEC.1.

IC 5-10-15-3

"Employee"

Sec. 3. As used in this chapter, "employee" means an individual who:

- (1) is employed full time by the state or a political subdivision of the state as:
 - (A) a member of a fire department (as defined in IC 36-8-1-8);
 - (B) an emergency medical services provider (as defined in IC 16-41-10-1); or
 - (C) a member of a police department (as defined in

- IC 36-8-1-9);
- (2) in the course of the individual's employment, is at risk for occupational exposure; and
 - (3) is not employed elsewhere by the state or a political subdivision of the state in a similar capacity.

As added by P.L.62-2006, SEC.1.

IC 5-10-15-4

"Exposure related cancer"

Sec. 4. As used in this chapter, "exposure related cancer" refers to a cancer that is caused by a known carcinogen to which an individual is at risk for occupational exposure.

As added by P.L.62-2006, SEC.1.

IC 5-10-15-5

"Exposure related heart or lung disease"

Sec. 5. As used in this chapter, "exposure related heart or lung disease" refers to a disease or impairment of the cardiovascular or respiratory system caused by a substance or condition to which an individual is at risk for occupational exposure.

As added by P.L.62-2006, SEC.1.

IC 5-10-15-5.5

"Exposure related Parkinson's disease"

Sec. 5.5. As used in this chapter, "exposure related Parkinson's disease" refers to Parkinson's disease that is caused by a toxin or head trauma:

- (1) known to increase the risk for the development of Parkinson's disease; and
- (2) to which an individual is at risk for occupational exposure.

As added by P.L.59-2009, SEC.2.

IC 5-10-15-6

"Known carcinogen"

Sec. 6. As used in this chapter, "known carcinogen" refers to a substance or agent the exposure to which is recognized by:

- (1) the International Agency for Research on Cancer; or
- (2) the National Institute for Occupational Safety and Health;

as creating a high risk for the development of cancer.

As added by P.L.62-2006, SEC.1.

IC 5-10-15-7

"Political subdivision"

Sec. 7. As used in this chapter, "political subdivision" has the meaning set forth in IC 6-3.5-2-1.

As added by P.L.62-2006, SEC.1.

IC 5-10-15-8

"Substance or condition that adversely affects an individual's cardiovascular, neurological, or respiratory system"

Sec. 8. As used in this chapter, "substance or condition that adversely affects an individual's cardiovascular, neurological, or respiratory system" refers to a substance or condition the exposure to which is recognized by the National Institute for Occupational Safety and Health as creating a high risk for the development of heart, lung, or Parkinson's disease.

As added by P.L.62-2006, SEC.1. Amended by P.L.59-2009, SEC.3.

IC 5-10-15-9

Presumption of disability in line of duty; rebutting of presumption

Sec. 9. (a) An employee or former employee who:

(1) is diagnosed with an exposure related cancer, exposure related heart or lung disease, or exposure related Parkinson's disease that:

(A) requires medical treatment; or

(B) results in total or partial disability; and

(2) at the time of the diagnosis:

(A) is actively employed; or

(B) has terminated employment not more than sixty (60) months earlier;

is presumed to have a disability incurred in the line of duty.

(b) The presumption described in subsection (a) may be rebutted by competent evidence.

(c) A meeting or hearing held to rebut the presumption described in subsection (a) may be held as an executive session under IC 5-14-1.5-6.1(b)(1).

As added by P.L.62-2006, SEC.1. Amended by P.L.59-2009, SEC.4.

IC 5-10-15-10

Effect of chapter on determination of eligibility for disability benefits

Sec. 10. This chapter does not affect the requirements for determining eligibility for disability benefits provided by the state or a political subdivision of the state except to the extent of determining whether an employee incurred a disability in the line of duty.

As added by P.L.62-2006, SEC.1.